

IN THE MATTER OF           :       NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF       :       STATE BOARD OF EXAMINERS  
JOHN R. HICKMAN, JR.     :       ORDER OF REVOCATION  
\_\_\_\_\_ :       DOCKET NO: 458-12/97-158

At its meeting of December 11, 1997, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent John R. Hickman, Jr. was convicted in March 1991 on two counts of simple assault with bodily injury. As a result of such conviction, Respondent was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 *et seq.* and had his County Substitute certificate revoked on July 15, 1993. That revocation was also based upon Hickman's fraudulent misrepresentation on his certification application that he had never been convicted of a crime.

Subsequent to the 1993 revocation, the Salem County Office of Education mistakenly issued a new County Substitute certificate to Hickman. Thereafter, the Office of Criminal History Review notified Hickman that he was disqualified from public service based upon his earlier assault conviction. Hickman appealed the disqualification before the Commissioner of Education, but the appeal was denied. Upon review of the above-mentioned information, the State Board of Examiners voted to issue an Order to Show Cause to Respondent at its December 11, 1997 meeting.

The Order to Show Cause was mailed to Hickman by regular and certified mail on December 23, 1997. Neither copy was returned. The Order provided that if Respondent desired to file an Answer to the Order such Answer must be filed within twenty (20) days. Hickman filed a non-conforming Answer on December 26, 1997. On January 15, 1998, the Board of

Examiners allowed Hickman an additional twenty (20) days to file a conforming response. The Board received his response on January 28, 1998.

In his Answer, Hickman asserted that he had not been involved in any assault case prior to the one at issue. He also claimed that he had not been involved with the criminal justice system since then. Hickman admitted that he had been convicted of the assault and that he had spent 100 days in jail and paid a \$500 fine. Hickman also stated that he had been cured through therapy, that he had learned his lesson and that he was not a “killer, murderer or murderous.” (Answer, p.3). He reiterated that he had paid for his mistake and that he was a different person now.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on March 6, 1998, a hearing notice was mailed by regular and certified mail to Hickman. The notice explained that since it appeared no material facts were in dispute, respondent was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his disqualifying offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Hickman did not file a response although the certified mail return receipt card had been signed.

The issue before the State Board of Examiners in this matter, therefore, is to determine whether Hickman’s disqualifying offense constitutes conduct unbecoming a certificate holder. Since Hickman failed to respond to the hearing notice, the State Board of Examiners considered his Answer as the only responsive pleading in the hearing process.

At its meeting of September 24, 1998, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to respondent's offense were in dispute. Hickman never denied that he had committed the offense nor did he deny that he had been disqualified because of it.

It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. The issue before the State Board of Examiners in this matter, therefore, is to determine whether Respondent's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represents just cause to act against Respondent's certificate pursuant to N.J.A.C. 6:11-3.6(a)1.

In enacting the Criminal History Review statute, N.J.S.A. 6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. Individuals convicted of a crime of violence fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing condemnation of acts of violence by teaching-staff members. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." Tenure of Sammons, 1972 S.L.D. 302, 321.

In this case, Hickman has a conviction for a violent crime that involved bodily injury. Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), *aff'd*. 131 N.J.L. 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Hickman's

disqualification from service in the public schools of this State because of his conviction for assault provides just cause to take action against his certificate.

That strong policy statement on the part of the Legislature set forth in N.J.S.A. 18A:6-7.1b also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature considers Respondent's offenses so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Hickman's County Substitute certificate.

Moreover, notwithstanding Hickman's contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation." See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, 96 N.J.A.R. 2D (EDE) 1, 16 aff'd App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing In the Matter of the Revocation of the Teaching Certificate of James Noll, State Bd. of Examiners decision (February 7, 1990).

Accordingly, it is therefore ORDERED that John R. Hickman, Jr.'s County Substitute certificate be revoked on this 24th day of September. It is further ORDERED that Hickman return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this letter.

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Secretary  
State Board of Examiners

Date of Mailing: November 6, 1998

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A.  
18A:6-28.

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